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10/715,375	11/19/2003	Roy Kaufmann	30016070-1002	5493
26263 7590 04/24/2008 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080				
EXAMINER				
DINH, KHANH Q				
ART UNIT		PAPER NUMBER		
2151				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/715,375

## Applicant(s)

KAUFMANN ET AL.

## Examiner

Khanh Dinh

## Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-18, 20-32 and 34-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-18, 20-32 and 34-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the Amendment and Remarks filed on 2/1/2008. Claims 3, 19 and 33 are cancelled. Claims 1, 2, 4-18, 20-32 and 34-46 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-18, 20-32 and 34-46 are rejected under 35 U.S.C. 102(e) as being unpatentable over England, US Pat. no.6,144,991 in view of Iwayama et al., US pat. No.7,139,827.

As to claim 1, England discloses a method in a data processing system for collaboration, comprising the steps of:

receiving a first request to send a first question to a first recipient (510 fig.5) synchronously with a live session by a collaboration tool (see abstract, fig.5, col.11 lines 21-60) and sending the first question if the first recipient is online with the live session (implementing live sessions between clients, see col.11 line 62 to col.12 line 27); receiving a second request from a sender to send a second question to a second recipient asynchronously with a live session by the collaboration tool (see col.20 lines 3-

57); queuing the second question if the sender is not online until the sender is online and sending the second question to the second recipient if the second recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

England does not specifically disclose detecting the presence of the second recipient to determine if the second recipient is online and sending the second question to the second recipient when it is detected the second recipient is online. However, Iwayama in the same network communication environment discloses detecting the presence of the second recipient to determine if the second recipient is online and sending the second question to the second recipient when it is detected the second recipient is online (detecting user' status before sending/exchanging messages, see abstract, fig.4, col.11 line 13 to col.12 line 51). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Iwayama's teachings into the computer system of England for processing communication between user and a communication device because it would have reported to a source user before communication begins communication means usable by both the source and destination users.

As to claim 2, England discloses that sending the first question if the first recipient is online further comprises the steps of: detecting the presence of the first recipient to determine if the first recipient is online and sending the question based on the determination (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

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As to claim 4, England discloses that the first request is received via a graphical user interface, and wherein the second request is received via the same graphical user interface through which the first request was received (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

As to claims 5 and 6, England discloses sending the first question further comprises the steps of setting a level of privacy for the first question and sending the first question further comprises the steps of setting a level of anonymity for the first question (see col.28 line 18 to col.29 line 46 and col.30 line 35 to col.31 line 54).

As to claims 7 and 8, England discloses receiving the first question and responding to the first question synchronously with the live session by sending an answer and further discloses receiving the first question and responding to the first question asynchronously with the live session (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

As to claim 9, England discloses responding to the first question asynchronously further comprises the steps of: detecting whether a sender of the response is online, sending the response when the sender is online, detecting the presence of a recipient of the response to determine whether the recipient is online and queuing the response if the recipient is not online and sending the response when the recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

As to claim 10, England discloses a method in a data processing system for collaboration, comprising the steps of: receiving a request to send a question either synchronously or asynchronously via a collaboration tool to a recipient (implementing live sessions between connected clients, see abstract, fig.5, col.11 lines 21-60 and col.11 line 62 to col.12 line 27), wherein the collaboration tool is capable of sending the question synchronously and asynchronously; determining whether the recipient is online; and sending the question to the recipient via the collaboration tool when the recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64) .

Claims 11 and 13 are rejected for the same reasons set forth in claims 1 and 2 respectively.

As to claim 12, England discloses the first request is received via a graphical user interface, and wherein the second request is received via the same graphical user interface through which the first request was received (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

As to claim 14, England discloses that sending the second file further comprises the steps of detecting the presence of the second recipient to determine whether the second recipient is online and queuing the second file until the second recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

As to claim 15, England discloses 15. A method in a data processing system for collaboration, comprising the steps of: receiving a request to send a file either synchronously or asynchronously via a collaboration tool to a recipient (implementing live sessions between connected clients, see abstract, fig.5, col.11 lines 21-60 and col.11 line 62 to col.12 line 27), wherein the collaboration tool is capable of sending the question synchronously and asynchronously; determining whether the recipient is online; and sending the question to the recipient via the collaboration tool when the recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

Claims 16-18 and 20-24 are rejected for the same reasons set forth in claims 1-2, 4-9 respectively.

Claims 25-29 are rejected for the same reasons set forth in claims 10-14 respectively.

Claims 30-32 and 34-39 are rejected for the same reasons set forth in claims 10 and 1-2, 4-9 respectively.

Claims 40-44 are rejected for the same reasons set forth in claims 10-14 respectively.

Claims 45 and 46 are rejected for the same reasons set forth in claims 10 and 1 respectively.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 2, 4-18, 20-32 and 34-46 have been considered but are moot in view of the new ground(s) of rejection.

### Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Claims 1, 2, 4-18, 20-32 and 34-46 are rejected.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zami Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner for patents

P O Box 1450

Alexandria, VA 22313-1450

/Khanh Dinh/

Primary Examiner, Art Unit 2151